

CITY COUNCIL REPORT



Meeting Date: April 26, 2011
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

1-IP-2011

Avion Investment In-Lieu Parking

Request to consider the following:

Adopt Resolution No. 8639 approving the request for approval of ten (10) in-lieu parking space credits for case number 1-IP-2011.

OWNER

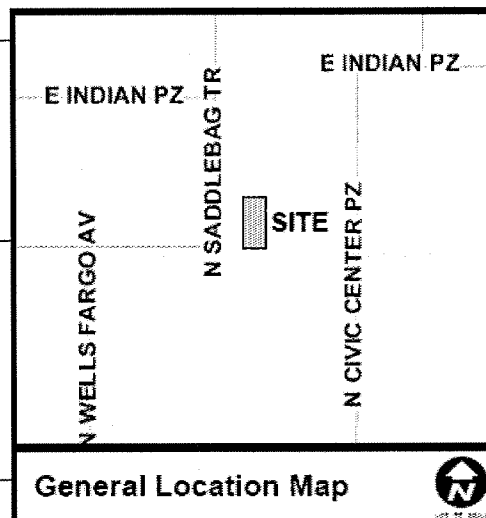
Triyar Development
 480-748-8888

APPLICANT CONTACT

Jonathan Valz
 Avion Investments LLC
 480-703-9403

LOCATION

4405 N. Saddlebag Trail



BACKGROUND

Zoning

The property is zoned Central Business District, with Parking District provisions, within the Downtown Overlay (C-2/P-3/DO and P-2/DO), which allows uses that are associated with the central business district and shopping facilities which are not ordinarily compatible with residential development. The overlay district allows new opportunities for the development and/or expansion of properties that do not have Downtown (D) zoning. Bars and Live Entertainment are allowed with City Council approval of a Conditional Use Permit.

Context

The site is located at the southeast corner of N. Saddlebag Trail and Shoeman Lane. The site is surrounded by a large group of varying uses including professional offices, retail businesses, and eating and drinking establishments.

Adjacent Uses and Zoning

- North: Single-story commercial/officer/personal service, zoned Central Business District, Parking District, Downtown Overlay and Parking District, Downtown Overlay (C-2/P3/DO and P-2/DO)
- South: City-owned parking lot, zoned Parking District, Downtown Overlay (P-2/DO)
- East: One- and two-story commercial/office/personal service uses, zoned Central Business District, Parking District, Downtown Overlay and Parking District, Downtown Overlay (C-2/P-3/DO and P-2/DO)
- West: Two-story office building, zoned Central Business District, Parking District, Downtown Overlay and Parking District, Downtown Overlay (C-2/P-3/DO and P-2/DO)

Key Items for Consideration

- Companion Items on agenda: 2-UP-2011 & 3-UP-2011 (Bar and Live Entertainment Use Permits); 37-LL-2011 (Series 6 Liquor License)

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The property owner requests approval for ten (10) in-lieu parking space credits to allow the establishment of a bar with live entertainment at the new building currently under construction at 4405 N. Saddlebag Trail.

Development Information

- Previous Use: Vacant office building
- Proposed Use: Bar with live entertainment
- Buildings/Description: Single-story building under construction
- Parcel Size: 6,573 square feet
- Building Size: 3,905 square feet
- Parking Required: 49 spaces
- Parking Provided: 39 (combination of on-site, P-3 credits and historical Downtown Overlay credits) + request for 10-in-lieu spaces to be considered by City Council on April 26, 2011

IMPACT ANALYSIS

The owner has secured a tenant for the new 3,905 square foot building being constructed at the southeast corner of Saddlebag Trail and Shoeman Lane, at the site of a former vacant office building. The tenant proposes to open a bar with live entertainment at this location. While the site has sufficient parking spaces/credits to accommodate a bar, the live entertainment use triggers the need for 10 additional parking space credits.

Under Section 9.108.C.1, parking spaces can be provided by various options: on-site parking, remote parking, parking in-lieu payments, or evening-use parking credits. To meet the remainder of the parking requirement, the applicant seeks approval for 10 additional parking space credits through the In-Lieu Parking Program. This program utilizes funds acquired through the payment toward the City's downtown parking program enhancement account to purchase surface parking lots, and run the parking program in Downtown, which can then be used to fulfill the parking requirements for businesses that participate in the program.

If the applicant is unable to obtain approval for in-lieu parking space credits for the property, it could still be utilized as a bar. Alternatively, the applicant could lease off-site parking through neighboring properties, if there are excess spaces available.

Findings

Pursuant to Section 9.108.D.3. of the In-Lieu Parking Program in the Zoning Ordinance, parking requirements for nonresidential uses may be met by making an in-lieu payment into the City's downtown parking fund. The City, however, is not obligated to provide in-lieu parking spaces. The City Council shall determine whether or not to allow a property owner to participate in the in-lieu parking program based on the following considerations:

- A. New development, reinvestment, or redevelopment of the property.
 - The property was previously occupied by a vacant office building, and was recently redeveloped to house a new 3,905 square foot commercial building with a 317 square foot patio.
- B. The use of the property fosters a pedestrian-oriented environment with an urban design and character; and the use of public transit or the downtown tram service;
 - Urban design features of the newly constructed building include: a 317 square foot patio along the Saddlebag Trail frontage that activates the street; building footprint in close proximity to the street frontage; bicycle rack near the front door ; and location within close proximity of public transit and the downtown tram service.
- C. Property size and configuration;
 - The property is approximately 6,573 square feet in size. The footprint of the proposed building covers a total of 3,905 square feet of the site, with a 317 square foot patio.

On-site sidewalks and landscaping areas and the parking area for eight (8) on-site spaces occupy the remainder of the site. The building is located at the required building setback lines on both street frontages. The small size of the lot prohibits the ability to reasonably accommodate all of the required parking for the proposed use on site.

- Pedestrian access is provided to the site and the building by the existing sidewalk that runs along the building frontages on N. Saddlebag Trail.

D. The amount of parking available to the area;

- Immediately adjacent to the site is a City-owned public parking lot with 22 public parking spaces. The Galleria Parking Garage has 127 signed public parking spaces available from 6:00 a.m. to 6:00 p.m. Monday through Friday, and all 600 spaces are open to the public after 6:00 p.m. on weekdays and throughout the weekends at the Galleria parking garage. In addition, within 600 feet of walking distance there are 217 striped public parking spaces along the public streets, and 86 spaces in the City-owned public parking lot which is located between Stetson Drive and 6th Avenue.

E. The future ability to provide parking to the area; or

- The capacity of the City-owned parking lots near the site could be increased with development of a multi-level parking structure.

F. Open space and public realm areas are maintained and/or parking lots convert into open space and public realm.

- The public realm areas have been maintained, and the public realm has been with the addition of a landscape island that includes a bicycle rack. No open space in the Downtown area was sacrificed in the redevelopment of the property.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Adopt Resolution No. 8639 approving the request for the approval of ten (10) in-lieu parking credits for case number 1-IP-2011.

RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT


Kim Chafin, AICP, LEED-AP

Senior Planner

480-312-7734

Email: kchafin@ScottsdaleAZ.gov


APPROVED BY



Kim Chafin, AICP, LEED-AP, Report Author

4-11-11


Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

4/11/2011

Date



Connie Padian, Administrator
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

4/11/11

Date

ATTACHMENTS

1. Resolution No. 8639
Exhibit 1. Context Aerial
2. Applicant's Request
3. Aerial Close-Up
4. Zoning Map
5. Parking Location Map

RESOLUTION NO. 8639

A RESOLUTION OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO APPROVE THE LEASE OF 10 PARKING STALL CREDITS THROUGH THE IN-LIEU PARKING PROGRAM FOR AN ESTABLISHMENT LOCATED AT 4405 N. SADDLEBAG TRAIL.

WHEREAS, the property owner has negotiated a contract for a bar with live entertainment use and under the City's Zoning Ordinance is required to have forty-nine (49) parking spaces. The property currently has thirty-nine (39) parking spaces available and Owner desires to approve ten (10) additional parking spaces through the City's in-lieu parking program; and

WHEREAS, the City of Scottsdale Ordinance provides that the City is not obligated to provide in-lieu parking space credits, but the City Council shall determine whether or not to allow in-lieu spaces based on the following criteria:

1. New development, reinvestment, or redevelopment of the property;
2. The use of the property fosters a pedestrian-oriented environment with an urban design and character; and the use of public transit or the downtown tram service;
3. The property size and configuration;
4. The amount of available offsite parking in the area;
5. The future opportunity to provide parking in the area; or
6. Open space and public realm areas are maintained and/or parking lots converted into open space and public realm.

WHEREAS, the City Council, held a public hearing on April 26, 2011 to consider the above referenced criteria in determining whether in-lieu parking space credits should be provided.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds the criteria for in-lieu parking for the property, shown on Exhibit 1, located at 4405 N. Saddlebag Trail, has been met and that ten (10) in-lieu parking spaces credits are approved. Exhibit 1 is attached hereto and incorporated herein by reference.

Section 2. That upon the execution of a term in-lieu parking credit agreement as approved by the Planning & Development Services Manager,

or designee, ten (10) in-lieu parking space credits as described in Case No. 1-IP-2011, shall be credited in accordance with the agreement as the property shown on Exhibit No. 1

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 26th day of April, 2011.

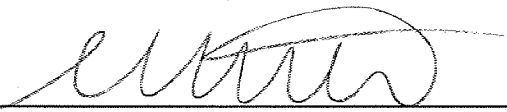
ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Bruce Washburn, City Attorney
By: Sherry R. Scott, Deputy City Attorney



Avion Investments LLC

Exhibit 1
Resolution No. 8639

1-IP-2011

Avion Investments LLC
COS Project Number 639-PA-2010

Project Narrative:

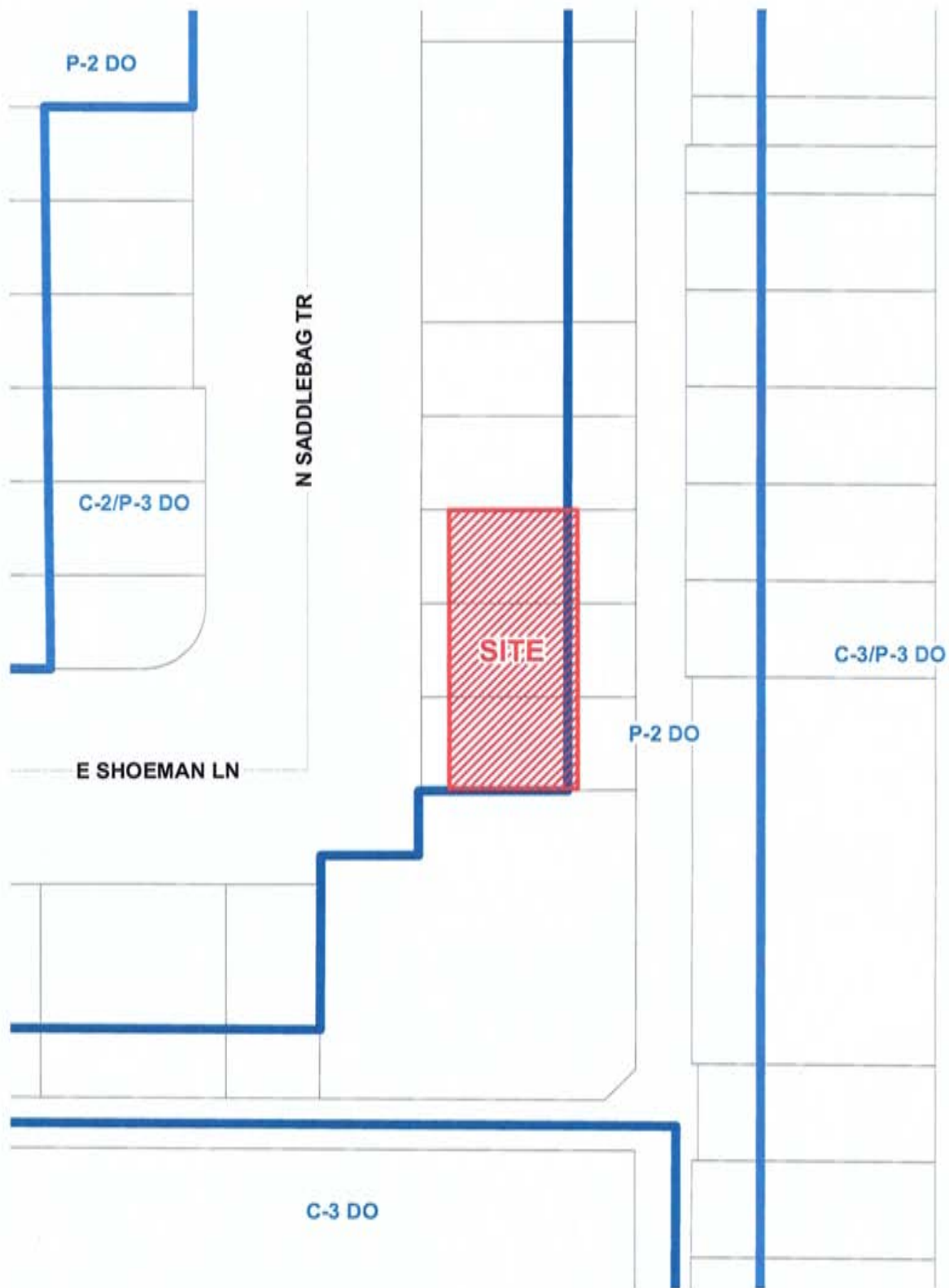
- Avion Investments LLC is requesting ten (10) in-lieu parking spaces in order to meet the conditional use permit request for a live entertainment permit. Our nightclub would like to feature a piano player that will accompany a DJ, thus requiring us to apply for the live entertainment permit. The allocated spaces from the property would allow us to meet the conditional bar use permit requirements only. But with the addition of ten in-lieu spaces, we can meet the parking requirement for a live entertainment permit.
- The type of in-lieu parking program requested is the Evening Term (Lease) in-lieu parking credits. Our venue will only be open after 5:00 pm and will meet the criteria for the evening term parking credits.



Avion Investments LLC

1-IP-2011

ATTACHMENT #3



1-IP-2011
ATTACHMENT #4



